REMARKS

The Examiner is thanked for the careful examination of the application. However, in view of the foregoing amendments and the remarks that follow, the Examiner is respectfully requested to withdraw the outstanding rejections.

Claims 23-26 are newly added by this amendment. Thus, Claims 1-26 are pending, with Claims 1, 9, 17 and 22 being independent.

Claims 1, 9 and 17 are amended to differently define the subject matter relating to judgment whether a character should be represented by character data. Claim 22 is amended to better define that image processing is performed on the original image data of the character image to generate character image data of the character image.

Art Rejections:

Claims 1-4, 8-12, and 16-23 are rejected under 35 U.S.C. §102(e) as being allegedly anticipated by U.S. Patent No. 6,721,463, hereinafter *Naoi*.

Naoi discloses an apparatus and method for extracting management information from an image. As described in column 21 of *Naoi* (referred to in the Official Action), *Naoi's* extraction involves storing management information as character codes and image data. That is, as described in column 21, lines 17-24 and shown in Fig. 26 of *Naoi*, the electronic filing system first receives a document image S101, computes the position of the management information and extracts a character string of management information S102. The system then instructs the user to select a method of storing management information. In column 21, lines 55-65, it is stated that if the user selects the image mode, the image of the character

718111-1

string is stored as management information S108. If the user selects the character recognition mode, the character image is stored as character code alone or both character code <u>and</u> image code. That is, in Fig. 26 at S106 the <u>character code and image</u> are stored and at S107 the <u>character code</u> is stored. In other words, character code is always stored in the character recognition mode.

The Official Action relies upon Fig. 26 and column 21 of *Naoi* to allegedly teach the claimed judgment unit referred to in Claims 1 and 17 or the judgment step referred to in Claim 9. As noted above, this portion of *Naoi* includes two selection steps. Step S103 involves a decision <u>by the user</u> as to which method the management information should be stored. See column 21, lines 22-24. If the user selects the character recognition mode at S104, then in step S105, the system determines, based on the reliability of the character recognition step, whether the management information should be stored as character code at step S107 or as character code and image data at step S106. However, in either result of the S105 decision, the management information is stored at least as character code.

Accordingly, *Naoi* does not teach or suggest a judgment unit or step that makes a judgment, based on a degree of character continuity, whether a character image should be represented by character code data. In *Naoi*, if the character recognition mode is selected by the user, the management information is always stored as character code. Furthermore, the user decision in step S103 does not correspond to the claimed judgment unit or step because *Naoi* does not teach or suggest that the user decision is "based on a degree of character continuity", as generally recited in Claims 1, 9 and 17 of the pending application.

Claim 22 is amended and now defines an image processing method comprising the steps of generating character code data of the character image form original image data, conducting an image processing on the original image data of the character image to generate character image data of the character image, and employing at least one of the original image data, the character image data, and the character code data to represent the character image. Support for the amendment can be found at least in paragraph [0046] of the present application.

In the amended Claim 22, three kinds of data are defined, i.e., original image data, character image data, and character code, the character image data being produced by conducting an image processing on the original image data of the character image. In contrast, Naoi fails to disclose the claimed generation of character image data together with the other claimed features and does not disclose at least the three kinds of data defined by Claim 22. For at least that reason, Naoi does not disclose the subject matter of Claim 22.

Claims 2-4, 8, 9, 11, 12, 16, 18-21 and 23-26 are allowable at least by virtue of their dependence from allowable independent Claims 1, 9, 17 and 22, and also because they define features that additionally define over the cited document.

Claims 5-7 and 13-15 are rejected under 35 USC 103(a) as being unpatentable over Naoi. Claims 5-7 and 13-15 depend from Claims 1 and 9. Because the rejections of Claims 5-7 and 13-15 do not remedy the deficiencies of the rejections of Claims 1 and 9, Claims 5-7 and 13-15 are allowable for at least the same reasons.

For the reasons stated above, it is requested that all the rejections be withdrawn and that this application be allowed in a timely manner.
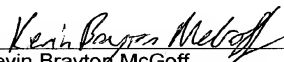
718111-1

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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(INCLUDING ATTORNEYS FROM BURNS, DOANE, SWECKER & MATHIS)

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718111-1